

PD

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

4400
DWIGHT TAYLOR

Plaintiff

v.

PHILADELPHIA POLICE OFFICER
THOMAS LICIARDELLO (Individually and in
his Official Capacity); PHILADELPHIA POLICE
OFFICER PERRY BETTS (Individually and in
his Official Capacity); PHILADELPHIA POLICE
OFFICER LINWOOD NORMAN (Individually
and in his Official Capacity); PHILADELPHIA
POLICE OFFICER BRIAN REYNOLDS;
PHILADELPHIA POLICE OFFICER
MICHAEL SPICER (Individually and in his
Official Capacity); and PHILADELPHIA
POLICE OFFICER JOHN SPEISER
(Individually and in his Official Capacity)
1515 Arch Street
Philadelphia, PA 19102

CITY OF PHILADELPHIA
1515 Arch Street
Philadelphia, PA 19102

Defendants.

JURY TRIAL DEMANDED

CIVIL ACTION - LAW

19 751

FILED

FEB 21 2019

KATE BATTAGLIA, Clerk
By: _____
Dep. Clerk

COMPLAINT

Plaintiff, Dwight Taylor, by and through his counsel, Clearfield & Kofsky, brings this suit to recover for federal constitutional violations, federal statutory violations, and state law claims, as follows:

JURISDICTION AND VENUE

1. Jurisdiction in this Court is asserted under the provisions of 28 U.S.C. §1331 and §1333. This action arises under the provisions of the Civil Rights Act of 1866, as amended 42 U.S.C. §1983. This Court has supplemental jurisdiction over the state

claims asserted herein pursuant to 28 U.S.C. Section 1367.

2. Venue is appropriately laid in this Court pursuant to 28 U.S.C. §1391(b) in that the actions complained of took place in Philadelphia, which is within the bounds of the Eastern District, and Defendants carry on business within the Eastern District.

PARTIES

3. Plaintiff Dwight Taylor, born on March 22, 1970 is a resident of 5213 "D" Street in the City of Philadelphia, Commonwealth of Pennsylvania.
4. Defendant Philadelphia Police Officer Thomas Liciardello was at all relevant times a police officer with the Police Department of the City of Philadelphia, Pennsylvania. Officer Liciardello is being sued both in his individual capacity and in his official capacity as an employee of the City of Philadelphia Police Department.
5. Defendant Philadelphia Police Officer Perry Betts was at all relevant times a police officer with the Police Department of the City of Philadelphia, Pennsylvania. Officer Betts is being sued both in his individual capacity and in his official capacity as an employee of the City of Philadelphia Police Department.
6. Defendant Philadelphia Police Officer Linwood Norman was at all relevant times a police officer with the Police Department of the City of Philadelphia, Pennsylvania. Officer Norman is being sued both in his individual capacity and in his official capacity as an employee of the City of Philadelphia Police Department.
7. Defendant Philadelphia Police Officer Brian Reynolds was at all relevant times a police officer with the Police Department of the City of Philadelphia, Pennsylvania. Officer Reynolds is being sued both in his individual capacity and in his official capacity as an employee of the City of Philadelphia Police Department.

8. Defendant Philadelphia Police Officer Michael Spicer was at all relevant times a police officer with the Police Department of the City of Philadelphia, Pennsylvania. Officer Spicer is being sued both in his individual capacity and in his official capacity as an employee of the City of Philadelphia Police Department.
9. Defendant Philadelphia Police Officer John Speiser was at all relevant times a police officer with the Police Department of the City of Philadelphia, Pennsylvania. Officer Speiser is being sued both in his individual capacity and in his official capacity as an employee of the City of Philadelphia Police Department.
10. The individual police officer defendants will be referred to collectively as "Officer Defendants."
11. Defendant, City of Philadelphia operates, manages, directs and controls the Police Department of the City of Philadelphia. The Police Department of the City of Philadelphia at all times material hereto, employed the Officer Defendants and their supervisors.
12. At all times relevant to this action, the City acted through its employee police officers as listed below.
13. Upon information and belief, the Officer Defendants were acting under color of state law, pursuant to official policy, custom or practice of the City of Philadelphia and/or the Philadelphia Police Department.

FACTUAL ALLEGATIONS ON THE MERITS

14. On or about August 5, 2008, Plaintiff was arrested for the following crimes:
 - a. 35 § 780-113 §§ A30 (Except as authorized by this act, the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled

substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance).

- b. 18 § 6105 §§A1 (Unlawful possession of a firearm).
- c. 35 § 780-113 §§ A16 (Knowingly or intentionally possessing a controlled or counterfeit substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, unless the substance was obtained directly from, or pursuant to, a valid prescription order or order of a practitioner, or except as otherwise authorized by this act).
- d. 35 § 780-113 §§ A32 (The use of, or possession with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this act).
- e. 18 § 907 §§ A (Possession of an instrument of crime).
- f. 18 § 6105 §§ A2i (Person not to possess or use a firearm).

15. The arrest occurred at or near 7300 Rising Sun Avenue in Philadelphia, Pennsylvania, and was effectuated by the Officer Defendants.

16. The Officer Defendants placed Plaintiff under arrest, placed Plaintiff inside of a police vehicle and drove Plaintiff to his home.

17. While at Plaintiff's home, the Officer Defendants made Plaintiff wait three (3) hours

so that a search warrant could be obtained to search Plaintiff's house.

18. A search warrant was obtained and Plaintiff was arrested and charged with the aforementioned crimes.

19. The above search and arrest was done so in an illegal and/or unlawful manner and was done so in an effort to falsify the charges placed upon Plaintiff.

20. The Officer Defendants knew at the time of the search and arrest that it was illegal and/or unlawful to do so, and that the subsequent charges placed upon Plaintiff were false.

21. In fact, at no time did Plaintiff possess or attempt to sell any narcotics, nor were any narcotics located in Plaintiff's home.

22. In April, 2010, Plaintiff pled guilty to the above charges.

23. As a result of the above charges, Plaintiff was incarcerated for approximately three (3) years in State Correctional and/or other facilities.

24. On numerous occasions, Plaintiff filed for Post-Conviction Collateral Relief due to the above misconduct.

25. On or about July 30, 2014, the Officer Defendants were indicted by the United States of America and charged with robbery, falsification of records, RICO and related offenses.

26. On September 29, 2014, Plaintiff filed a Motion for New Trial based upon the above indictments.

27. On March 6, 2015, the Honorable Sheila Woods-Skipper of the Court of Common Pleas of Philadelphia County granted Plaintiff's Motion for a New Trial.

28. On March 10, 2017, the Honorable Sheila Woods-Skipper vacated Plaintiff's sentence,

and on the same day, the Commonwealth of Pennsylvania's Motion to *Nolle Prosequi* was granted.

29. Plaintiff did not commit the crimes to which he pled guilty. He was forced to plead guilty in order to prevent a lengthy jail sentence. As a result, Plaintiff suffered significant harm, including, but not limited to:

- a. Imprisonment;
- b. Loss of liberty and freedom;
- c. Embarrassment and humiliation;
- d. Loss of life's pleasures;
- e. Emotional distress;
- f. Deprivation of property;
- g. Interference with daily activities;
- h. Loss of earnings; and,
- i. Other financial losses.

30. At all relevant time, Defendants knew or should have known that their actions were in violation of Plaintiff's Constitutional Rights.

31. Defendants' actions, and their motivation for their actions, were conscience shocking, without conscious regard or due care for Plaintiff or the foreseeable consequences of their actions, and with such wanton and reckless disregard of the consequences as to show Defendants' deliberate indifference to the danger of harm and injury.

32. As a direct and proximate cause of Defendants' actions and inactions, Plaintiff suffered and continues to suffer deprivation of his rights, fear, horror, loss of liberty, grievous physical injuries, and the loss of the enjoyment of life, all to their great detriment and

loss.

33. As a direct and proximate cause of Defendants' actions and inactions, Plaintiff suffered and was made to undergo great physical pain and horrible mental anguish requiring medical and psychiatric treatment, as well as loss of earning power and earning potential, all to his great detriment, financial detriment, and personal loss.
34. Defendants violated Plaintiff's clearly established and well settled federal constitutional rights, including but not limited to his freedom to assemble, his right to substantive due process, liberty, personal security, his right to be free from unreasonable seizures, and his right to be free from the use of excessive, unreasonable and unjustified force.
35. Furthermore, the Constitutional violations suffered by Plaintiff were the result of the City's policies, procedures, customs, and practices of allowing its officers to use unreasonable and excessive force thereby violating the civil rights of those with whom they come into contact.
36. The City has maintained an inadequate system of review of instances of misconduct, abuse of police powers or violation of citizens' rights by police officers, which system has failed to identify instances of abuse of police powers or violations of citizens' rights by police officers, or to discipline, more closely supervise, or retrain officers who abuse their police powers or violate citizens' rights, including the police officers named as parties herein.
37. In addition, the Constitutional violations suffered by Plaintiff were the result of the City's failure to properly train and supervise its officers with regard to the proper methods for securing a scene, obtaining warrants, handling bystanders, dealing with

crowds, and handling citizens' use of modern technology to capture police activity while preserving those individuals' constitutionally protected rights.

38. The City was deliberately indifferent to the need for more or different training rules, regulations, investigations and discipline relating to police officers' use of excessive force.
39. The foregoing acts, omissions, systemic deficiencies, practices, customs and deliberate indifferent constitute the policies, practices and customs of the City and have caused police officers of the City, including the police officers named as parties herein, to violate the constitutional rights of citizens, including Plaintiffs.
40. The rights, violations and injuries suffered by plaintiff was a foreseeable result of the policies, practices, customs and deliberate indifference of the City.
41. The public streets and sidewalks where the events were held are traditional public fora for purposes of speech and other expressive activities protected by the First and Fourteenth Amendments.

**COUNT I – FIRST AMENDMENT – FREEDOM OF ASSEMBLY
PLAINTIFF VS. ALL DEFENDANTS EXCEPT CITY OF PHILADELPHIA**

42. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.
43. As a direct and proximate result of Defendants' actions, as more particularly described above, Plaintiff's rights protected under the First Amendment were violated and he suffered injuries and deprivations as set forth above, including imprisonment for over three (3) years.

44. Defendants' actions targeted and were intended to chill, restrict, and inhibit Plaintiff from exercising his freedom to assemble in a public place.
45. Defendants' actions constituted a substantial burden on Plaintiff's First Amendment rights, and Defendants lacked any justification for their actions.
46. Solely as a result of Defendants' conduct, Plaintiff suffered substantial damages, including the costs of this suit.
47. Plaintiff is entitled to attorney's fees and cost of prosecution of this suit pursuant to 42 U.S.C. §1988.

COUNT II – FOURTH AMENDMENT - UNLAWFUL SEIZURE VS. ALL DEFENDANTS EXCEPT CITY OF PHILADELPHIA

48. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.
49. As a direct and proximate result of Defendants' actions, more particularly described above, Plaintiff's rights protected under the Fourth Amendment to be free from unreasonable seizure was violated and as a result, he suffered injuries and deprivations as set forth above, including imprisonment for over three (3) years.
50. Defendants subjected Plaintiff to these deprivations of rights unreasonably, intentionally, wantonly, outrageously, and with conscious and reckless disregard for whether Plaintiff's rights would be violated by their actions.
51. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff suffered damages as set forth above and deprivations of his rights and liberty interest, all to Plaintiff's great detriment and loss.

52. Solely as a result of Defendants' conduct, Plaintiff suffered substantial damages, including the costs of this suit.

53. Plaintiff is entitled to attorney's fees and cost of prosecution of this suit pursuant to 42 U.S. C. § 1988.

**COUNT III – FOURTEENTH AMENDMENT - SUBSTANTIVE DUE PROCESS
PLAINTIFF VS. ALL DEFENDANTS EXCEPT CITY OF PHILADELPHIA**

54. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.

55. As a direct and proximate result of Defendants' actions, more particularly described above, Plaintiff's substantive due process rights protected under the Fourteenth Amendment were violated and he suffered injuries and deprivations as set forth above, including imprisonment for over three (3) years.

56. Defendants subjected Plaintiff to this deprivation of rights unreasonably, intentionally, wantonly, outrageously, and with conscious and reckless disregard for whether Plaintiff's rights would be violated by their actions.

57. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff suffered damages as set forth above and deprivations of his rights and liberty interest, all to Plaintiff's great detriment and loss.

58. Solely as a result of Defendants' conduct, Plaintiff suffered substantial damages, including the costs of this suit.

59. Plaintiff is entitled to attorney's fees and cost of prosecution of this suit pursuant to 42 U.S. C. § 1988.

**COUNT IV – MONELL CLAIM
PLAINTIFF VS. DEFENDANT, CITY**

60. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.
61. The decisions and actions of the officials of the City as set forth herein represented and constituted the official policy and/or customs of the City.
62. At the time of this incident, and for some time prior thereto, it was the policy, practice and/or custom of the City and its police officers to fabricate charges and unlawfully arrest citizens.
63. Prior to the events described herein, the City developed and maintained policies, practices and/or customs exhibiting deliberate indifference to the constitutional rights of persons within the City, which policies are more particularly set forth in the preceding paragraphs incorporated herein, that caused the violation of Plaintiffs' rights.
64. As a direct and proximate result of the City's policies, practices, customs, procedures, failure to train and supervise, which are more specifically described above, Plaintiff sustained harm and loss.
65. As a direct and proximate result of, or by virtue of an affirmative link or causal nexus thereto, the aforesaid acts, omissions, deliberate indifference, systemic deficiencies, policies, practices and customs of the City, as more fully described above, The City violated Plaintiff's rights under the laws and Constitution of the United States, in particular the First, Fourth and Fourteenth Amendments.

66. Plaintiff is entitled to attorney's fees and costs of prosecution of this suit pursuant to 42 U.S.C. § 1988.

**COUNT V- ASSAULT AND BATTERY
PLAINTIFF VS. OFFICER DEFENDANTS**

67. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.

68. The Officer Defendants placed Plaintiff in fear of imminent, unpermitted, unprivileged, offensive bodily contact and did, in fact, subject him to such bodily contact.

69. As a consequence of these actions, Plaintiff suffered serious harm.

70. The acts of Defendants, as set forth above, constituted the torts of assault and battery, all to Plaintiff's great detriment and loss.

**COUNT VI – FALSE IMPRISONMENT
PLAINTIFF VS. OFFICER DEFENDANTS**

71. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.

72. The Officer Defendants intentionally, recklessly, willfully, and without legal justification, imprisoned Plaintiff without probable cause or other legal justification..

73. The acts of Defendants constitute the tort of false arrest and false imprisonment, all to Plaintiff's great detriment and loss.

**COUNT VII – INTENTIONAL INFILCTION OF SEVERE EMOTIONAL DISTRESS
PLAINTIFF VS. OFFICER DEFENDANTS**

74. The allegations set forth in the preceding paragraphs are incorporated as though fully set forth herein.

75. The Officer Defendants intentionally, recklessly, willfully, and without legal justification, by extreme and outrageous conduct caused severe emotional distress to Plaintiff.

76. The acts of Defendants alleged in the preceding paragraphs constitute the tort of intentional infliction of emotional distress outrageous conduct all to Plaintiff's great detriment and loss.

WHEREFORE, Plaintiff, Dwight Taylor, requests that the Court find and determine, after trial by jury as appropriate, that Plaintiff suffered substantial and continuing injury as a result of deprivation of his civil and Constitutional rights, discrimination, and otherwise wrongful conduct and award the following relief, as appropriate:

- i) a declaration that Defendants, jointly and severally, have violated Plaintiff's civil rights;
- ii) compensatory damages in excess of \$150,000;
- iii) prejudgment interest, attorneys' fees and costs;
- iv) punitive damages against the individual defendants in their individual and official capacities;
- v) such other legal and equitable relief as the Court deems just and proper.

JURY DEMAND

PURSUANT TO F.R.C.P. 38, A JURY TRIAL IS DEMANDED.

CLEARFIELD & KOFSKY

BY: _____

Anthony Lopresti, Esquire
Attorney for Plaintiff
1617 JFK Blvd., Suite 355
Philadelphia, PA 19103
215-563-6333 (p)
215-563-3580 (f)
alopresti@clearfieldlawyers.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

Dwight Taylor

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

Philadelphia

DEFENDANTS

Phila. Police Officer, Thomas Licardello, Phila. Police Officer, Perry Betts, Phila. Police Officer, Linwood Norman, Phila. Officer, Brian Reynolds, Phila Police Officer, Michael Spicer, Phila Police officer, John

County of Residence of First Listed Defendant Philadelphia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Clearfield & Kofsky
1617 JFK Boulevard, Suite 355
Philadelphia, PA 19103, (215) 563-6338

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

 1 U.S. Government Plaintiff 3 Federal Question
(U.S. Government Not a Party) 2 U.S. Government Defendant 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6

Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 462 Naturalization Application	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 465 Other Immigration Actions	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer w/Disabilities - Employment	Other: <input type="checkbox"/> 540 Mandamus & Other		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

Brief description of cause

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.C.P.

DEMAND \$

750,000

CHECK YES only if demanded in complaint

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See Instructions)

JUDGE

DOCKET NUMBER

DATE

2-19-19

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19 751

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 5213 D Street, Phila. PA 19120

Address of Defendant: 1515 Arch St, Phila. PA 19102

Place of Accident, Incident or Transaction: Philadelphia, Phila.

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

I certify that, to my knowledge, the within case is is not related to any case now pending or within one year previously terminated action in this court except as noted above

DATE 2-18-19

Signature / Attorney-at-Law / Pro Se Plaintiff

93515

Attorney ID # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify) _____
- 7. Products Liability
- 8. Products Liability - Asbestos
- 9. All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration)

I, Anthony Lopresti, counsel of record or pro se plaintiff, do hereby certify

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

Relief other than monetary damages is sought.

DATE 2-18-19

Signature / Attorney-at-Law / Pro Se Plaintiff

FEB 21 2019

93515

Attorney ID # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

CIVIL ACTION

19 751

v.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()

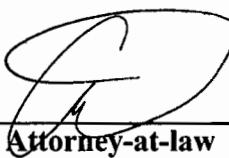
(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()

(f) Standard Management – Cases that do not fall into any one of the other tracks. ()

2-19-19
Date


Attorney-at-law

Plaintiff
Attorney for

215-563-6333
Telephone

215-563-3580
FAX Number

Alborek@clearfieldlawyers.com
E-Mail Address